

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 1525.00
COMPLAINT INVESTIGATOR: Bridget Hand
DATE OF COMPLAINT: February 7, 2000
DATE OF REPORT: March 7, 2000
REQUEST FOR RECONSIDERATION: no
DATE OF CLOSURE: April 18, 2000

COMPLAINT ISSUES:

Whether the Anderson Community School Corporation violated:

- 511 IAC 7-6-2(c) with regard to the school's alleged failure to ensure that the teacher or teachers providing instruction to the student are appropriately licensed or certified.
- 511 IAC 7-12-2(h) with regard to the school's alleged failure to permit the student to accompany the student's class on a field trip.
- 511 IAC 7-15-1 with regard to the school's alleged failure to follow required procedures when suspending a student with a disability.
- 511 IAC 7-15-2 with regard to the school's alleged failure to follow required procedures when expelling a student with a disability.

FINDINGS OF FACT:

1. The student (the "Student") is an eleven-year-old, fifth-grader who is eligible for special education and related services as a student with an emotional handicap ("EH").
2. The Student was determined eligible for special education and related services during a CCC meeting on March 4, 1997. Initial placement and services for the Student began on March 10, 1997. The following shows each of the Student's teachers of record ("TOR") since March 10, 1997, licensors:
 - The TOR for the remainder of the 1996-1997 school year was licensed in the areas of learning disabilities, mildly mentally handicapped, seriously emotionally handicapped, and severe disabilities;
 - The TOR for the 1997-1998 school year and the first semester of the 1998-1999 school year was licensed in the areas of mentally retarded and seriously emotionally handicapped; and
 - The TOR for the second semester of the 1998-1999 school year, until April 26, 1999, held a limited license for seriously emotionally handicapped that did not expire until June 30, 1999.
3. The Case Conference Committee ("CCC") that was held on April 26, 1999, determined that the Student would participate in general education from 8:05 a.m. through 10:50 a.m. each day and special education after 10:50 a.m. The Student's TOR is responsible for the Student's education

after 10:50 a.m. each day. The current TOR has a Masters Degree in the areas of mild and severe disabilities. The current TOR has applied to the Indiana Professional Standards Board to add Seriously Emotionally Handicapped, but this has not yet been added to her license as the Indiana Professional Standards Board is awaiting a criminal history check from the Indiana State Police to be provided by the TOR.

4. The Director reported that the Student has not participated in two (2) field trips since being determined eligible for special education on March 10, 1997. The first field trip was offered as a reward for earning points during daily activities for behaviors, completing assignments, grades, etc. The Student along with other students who did not earn sufficient points for the trip remained at the school with a teacher and an instructional assistant. After completion of her assignments on this date, the Student was allowed to serve as a peer buddy to a younger student. The TOR reviewed the Student's response to this as positive and cooperative.
5. The second field trip was a science trip based upon a culminating activity. Teachers planning the field trip stipulated that the prerequisite for participation in this field trip was completion of lessons in the laboratory book. The Student did not complete the requirement due to numerous absences during the unit of study. Attempts were made to assist the Student in make-up work; however, due to missing instruction and classroom projects, much of the work could not be completed.
6. The Student was suspended on the following dates during the 1996-1997 school year:
 - September 13, 1996;
 - October 21 through 23, 1996; and
 - November 22, 25 through 27, 1996.
7. The Student was recommended for expulsion on December 6, 1996. On January 13, 1997, an expulsion meeting was held. On January 16, 1997, the expulsion examiner issued his written summary stating his agreement with the recommendation for expulsion for the remainder of the first semester of the 1996-1997 school year. The Student returned to school on January 21, 1997, the start of the second semester.
8. The request for evaluation was signed by the parent on January 13, 1997. The evaluation was completed on January 29, 1997. Both the suspensions and the expulsion occurred prior to the time the Student was determined eligible for special education.

CONCLUSIONS:

1. Findings of Fact #2 and #3 show that the three (3) previous teachers of record were appropriately licensed to teach EH students while the current TOR is not appropriately licensed. Therefore, a violation of 511 IAC 7-6-2(c) has occurred.
2. Findings of Fact #4 and #5 show that the Student was given the same opportunity to participate in the field trips as all other students. Therefore, no violation of 511 IAC 7-12-2(h) is found.
3. Findings of Fact #6 and #8 show that the Student was not determined eligible for special education at the time of the suspensions. Therefore, no violation of 511 IAC 7-15-1 is found.
4. Findings of Fact #7 and #8 show that the Student was not determined eligible for special education at the time of the expulsion. Therefore, no violation of 511 IAC 7-15-2 is found.

The Department of Education, Division of Special Education requires the following corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

The Anderson Community School Corporation shall:

1. Provide an assurance statement, signed by the TOR, that she has followed through with the criminal history check by the Indiana State Police so that Seriously Emotionally Handicapped may be added to her license. This assurance statement must be received by the Division no later than March 20, 2000.
2. Provide an update on receipt of the criminal history check from the Indiana State Police and this criminal history check being forwarded to the Indiana Professional Standards Board. This update must be received by the Division no later than March 30, 2000.